IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20824 of 2004

Between:

Sayeeda Begum, W/o.Late Mir Asgar Ali,
R/o.H.No.4-1-67, Ramaiah Bouli, Mahabubnagar, Mahabubnagar Dist.

..... PETITIONER

AND

1 The Chairman & Managing Director, APCPDCL, Vidyut Soudha, Hyderabad.
2 The Superintending Engineer, Operation Circle, APCPDCL, Mahabubnagar.
3 Divisional Engineer, Electrical Operations, APCPDCL., Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more fully in the nature of writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner's son for employment under the scheme of Dependent of deceased employees i.e., compassionate appointment as illegal improper, arbitrary and violative of principles of Natural Justice and consequently direct the respondents to consider the case of the petitioner's son for compassionate appointment i.e., employment under the scheme of Dependent of deceased employees.

Counsel for the Petitioner: MR.K.CHAITANYA

Counsel for the Respondents: MR.Samineni Kishore, S.C. for A.P.C.P.D.C.L.

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking to declare the action of the respondents in not considering the case of the petitioner's son for employment under the scheme of dependant of deceased employees i.e. compassionate appointment, as illegal and arbitrary.

The petitioner's husband died on 24.11.1991 while he was on duty. Thereafter, the petitioner made a representation within one year i.e. on 8.7.1992, but it was kept pending. As the same is pending consideration, she did not opt for any additional monitory benefits as per the proceedings of the Board. At the time of the death of her husband, her son was minor. Pursuant to the petitioner's representation, the 3rd respondent issued proceedings dated 19.2.2003 calling for the certificates. On 19.4.2004, the 3rd respondent sent the proposal along with the certificates of the petitioner's son to the 2nd respondent for taking further action. Thereafter, the 2nd respondent has not taken any action. Hence, this writ petition is filed.

The learned counsel for the petitioner has contended that in spite of submitting the representation, certificates and other relevant

documents within time, the respondents have not considered the petitioner's case. It is further contended that the 1st respondent has considered some of the cases, which are similar to that of the petitioner. To that effect, the petitioner has filed proceedings, dated 25.5.2001 and 13.11.2001 respectively issued by the 1st respondent. Therefore, he prays to give to direction to the respondents to consider the petitioner's case also on par with the cases of the candidates, which have already been considered.

Whether the petitioner's son is entitled to employment under the scheme of the dependant of deceased employees i.e. compassionate appointments, is required to be decided and determined by the respondents in accordance with the Rules and scheme if any framed for providing employment to the legal heirs of the deceased-employee on compassionate grounds and appropriate decision has to be taken by the respondents in accordance with the scheme if any and the Rules governing the compassionate appointments.

Under these circumstances, without entering into the merits of the case, I consider it appropriate to direct the respondents to consider the case of the petitioner's son for appointment on compassionate ground in accordance with the Rules and the scheme if any available, within the period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

25th January, 2005.

bcj

To

1 The Chairman & Managing Director, APCPDCL, Vidyut Soudha, Hyderabad.
2 The Superintending Engineer, Operation Circle, APCPDCL, Mahabubnagar.
3 Divisional Engineer, Electrical Operations, APCPDCL., Mahabubnagar.

4. Two C.D. copies.

Note: Furnish C.C. in two days.

B/o.

bcj